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Attorneys for Health Care Provider St. Vincent Healthcare

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
BILLINGS DIVISION

TERRY KERR,)	
)	
Plaintiff,)	
)	Cause No. 1: CV-08-8000-BU
vs.)	
)	
ST. VINCENT HEALTHCARE,)	NOTICE OF REMOVAL
)	
Defendants)	
)	

COMES NOW the Health Care Provider St. Vincent Healthcare, pursuant to 28 U.S.C. § 1441, and file(s) this Notice of Removal of this Cause to the United States District Court for the District of Montana, Billings Division and in support thereof states as follows:

1. **NOTICE OF REMOVAL**

1. On April 7, 2015, the Plaintiff filed this action in the Montana Thirteenth Judicial District Court, Yellowstone County, Montana, Cause No. DV-15-0395. The Defendants received a copy of the Complaint through service of process on April 15, 2015.

2. Plaintiff is now, and was at the time of the commencement of this action, citizens of the state of Idaho.

3. Defendant is now, and was at the time of the commencement of this action, a corporation organized under the laws of the state of Montana. Defendant's principal place of business is in Billings, Montana

4. This Court has jurisdiction over this action under 28 U.S.C. § 1332, based on diversity of citizenship. The Plaintiff and Defendant are citizens of different states and the amount in controversy is in excess of \$75,000, exclusive of interest and costs. Facts which satisfy these requirements include the following:

(a) Plaintiff alleges in his Complaint at paragraph 2 that, "Plaintiff is and at all times relevant hereto has and is a resident of Bonneville County, State of Idaho, but the action happened in Yellowstone County, State of Montana."

(b) Plaintiff's prayer for relief in his Complaint requests, "judgment in the amount of 30,000,000 dollars."

5. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446.

2. **NOTICE OF REMOVAL**

6. A copy of all pleadings, process, and court orders served on Defendant in the aforementioned State Court proceeding are attached hereto.

WHEREFORE, Defendant SVH respectfully requests that the action now pending in the Montana Thirteenth Judicial District Court, Yellowstone County, as described herein, be removed to the United States District Court for the District of Montana, Billings Division.

DATED this 17th day of April, 2015.

POORE, ROTH & ROBINSON, P.C

/s/ Charles K. Smith

Charles K. Smith

Poore, Roth & Robinson, P.C.

Attorneys for the Plaintiffs

CERTIFICATE OF SERVICE

I certify that on April 17, 2015, a copy of the foregoing document was served on the following persons by the following means:

1, CM/ECF
Hand Delivery
2, Mail
Overnight Delivery Service
Fax
E-mail

1. Clerk, U.S. District Court
2. Terry Kerr
2895 Woodbridge Circle
Idaho Falls, ID 83401

/s/ Charles K. Smith
Charles K. Smith
Poore, Roth & Robinson, P.C.
Attorneys for the Plaintiffs